

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

STEPHEN ELLIOTT POWERS

PLAINTIFF

v.

No. 4:10CV57-P-A

CHRISTOPHER EPPS, ET AL., ET AL.

DEFENDANTS

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated September 12, 2011, was on that date duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated September 12, 2011, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That defendants claims against Christopher Epps, Lawrence Kelly, and Dr. Gloria Perry, Deputy Warden John Rogers, and Warden Timothy Morris are **DISMISSED** for failure to state a constitutional claim.
3. That the plaintiff's claims for denial of adequate medical care should, however, proceed against defendants Dr. John Evans, Dr. Thomas Lehman, Dr. Dominic Trinch, Dr. James

Burke, Dr. John Payne, Dr. Kim Myung, Deputy Warden George Davenport, Dr. Heinz Schafer,
and the University Medical Center.

THIS, the 12th day of December, 2011.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE